

AN ORDINANCE

BY COUNCILMEMBER C.T. MARTIN

03- ○ -0186

AN ORDINANCE TO ABANDON HARDEN DRIVE, SAID STREET BEING APPROXIMATELY 1.12406 ACRES IN LAND, LAND LOT 242, 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, Carrie Steele-Pitts Home was chartered in 1888 to provide services to and be a safe haven for abused, abandoned and neglected children in the Atlanta area; and

WHEREAS, Carrie Steele-Pitts Home has existed at its present location for approximately 53 years; and

WHEREAS, pursuant to Special Use Permit U-02-29/U-00-36, which was approved by the City of Atlanta in December 2002, Carrie Steele-Pitts Home is currently developing property adjacent to its present location to accommodate a Life Learning Center, consisting of a gymnasium, classrooms and chapel, to provide better services to its minor residents now and into the future; and

WHEREAS, the existing property and the proposed Life Learning Center are bisected by a public street consisting of 1.12406 acres in Land Lot 242 of the 14th District, identified as Harden Drive on the maps of the City of Atlanta; and

WHEREAS, the proposed development contemplates the inclusion of Harden Drive as private property to be incorporated as part of the development; and

WHEREAS, Harden Drive has not been useful nor necessary for the public use and convenience for at least 53 years, the length of time that Carrie Steele-Pitts Home has been located adjacent to it; and

WHEREAS, abandonment of Harden Drive by the City of Atlanta is the lawful means by which Harden Drive may become private property; and

WHEREAS, Carrie Steele-Pitts Home has petitioned the City of Atlanta to abandon Harden Drive, which is depicted on the survey attached hereto as Exhibit A, prepared by HDR/WL Jorden, dated October 8, 2002; and

WHEREAS, after the abandonment of Harden Drive, Carrie Steele-Pitts Home will negotiate with the City of Atlanta for payment and/or exchange of public improvements, equal to the fair market value of the abandoned street; and

WHEREAS, Carrie Steele-Pitts Home is the owner of all property abutting Harden Drive, with the exception of one parcel of land, which is owned by Atlanta Public Schools; and

WHEREAS, Atlanta Public Schools approved the abandonment of Harden Drive on January 13, 2003; and

WHEREAS, the abandoned street shall become a part of Carrie Steele-Pitts Home's private property and shall be Carrie Steele-Pitts Home's responsibility to maintain; and

WHEREAS, Carrie Steele-Pitts Home has completed the appropriate applications and paid the required fees for the street abandonment; and

WHEREAS, the petition for abandonment is currently being reviewed by the Department of Public Works.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1: That the entirety of Harden Drive, as depicted on the survey attached hereto as Exhibit A, prepared by HDR/WL Jorden, dated October 8, 2002, located in Land Lot 242, Fulton County, Georgia, is hereby declared no longer useful or necessary for the public use and convenience, and is hereby abandoned (hereinafter the "Abandoned Street").

SECTION 2: The City's intent is hereby given that said street shall be abandoned.

SECTION 3: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time, said easements shall expire.

SECTION 4: That a condition of abandonment shall be that all existing parcels of land owned or controlled by Carrie Steele-Pitts Home and abutting Harden Drive shall be consolidated such that all parcels will front on a public right-of-way.

SECTION 5: That the Director of the Bureau of Purchasing and Real Estate is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 21578.

SECTION 6: That Carrie Steele-Pitts Home and the City will negotiate in good faith to arrange for payment and/or exchange of public improvements by Carrie Steele-Pitts Home, equal to the fair market value of the Abandoned Street as determined by the appraisal of said street.

SECTION 7: That all costs associated with the appraisal of the subject property and all costs associated with the advertising of this petition for abandonment shall be charged to and paid from Account Number 1AO1-524001-G55001.

SECTION 8: That upon approval of this ordinance, and upon acceptance of the

necessary documents by the Department of Public Works, and upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quit Claim Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

SECTION 9: That the Mayor is hereby authorized to execute said Quit Claim Deed and other necessary documents, as determined by the City Attorney, for the abandoned street/right-of-way to Carrie Steele-Pitts Home's.

SECTION 10: Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.

SECTION 11: That all code sections, ordinances, and parts of code sections and ordinances in conflict with this ordinance are waived.